



City of Seattle

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Gregory J. Nickels, Mayor  
**Department of Planning & Development**  
D. M. Sugimura, Director

**CITY OF SEATTLE  
ANALYSIS AND DECISION OF THE DIRECTOR  
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

**Application Number:** 2308597  
**Applicant Name:** Andy Clinch, Architect for Donald Olsen  
**Address of Proposal:** 5001 25<sup>th</sup> Avenue N.E.

**SUMMARY OF PROPOSED ACTION**

Master Use Permit to establish the use for the future construction of a three-story structure containing 19,800 square feet of office use, 5,200 square feet of retail, and 3,840 square feet of restaurant. Parking to be provided on a two-level, below-grade garage for 88 vehicles and a surface parking lot for eight vehicles.

The following approvals are required:

**SEPA - Environmental Determination** – Chapter 25.05 SMC

**Design Review** – Chapter 23.41 SMC -

**SEPA DETERMINATION:** ☐ Exempt ☐ DNS ☐ MDNS ☐ EIS

☒ DNS with conditions

☐ DNS involving non-exempt grading, or demolition, or involving another agency with jurisdiction.

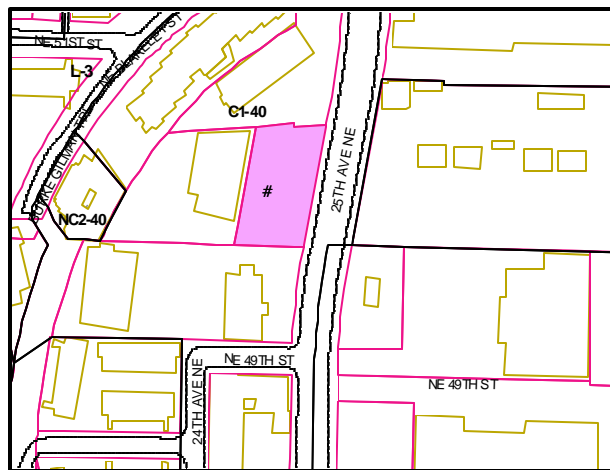
\* Early DNS Notice published May 12, 2004

**BACKGROUND DATA**

Site and Area Description

The project site lies within a cluster of commercial and multi-family residential uses between 25<sup>th</sup> Avenue Northeast and Northeast Blakeley Street. Occupied by a recently vacated Shell service station, the roughly rectangular site fronts 25<sup>th</sup> Ave. NE and comprises approximately, 23,000 square feet. The site lies adjacent to a larger parcel to the west which is being developed by the same applicant (MUP # 2304084). A 30 foot wide easement runs along the southern portion of the subject site providing access to the parcel behind the service station.

The 25<sup>th</sup> Avenue NE corridor between NE Blakeley Street and NE 45<sup>th</sup> Street lies between University Village to the east and a residential community uphill to the west. The western half of the commercial corridor sits between 25<sup>th</sup> Ave. NE and NE Blakeley St. / the Burke Gilman Trail and comprises a mix of apartment, retail and office buildings as well as a motel. Two residential buildings to the west are oriented to N.E. Blakeley St. The recently vacated Shell Station (the subject site), a two-story retail/office building to the north and the Washington Mutual bank to the east all face 25<sup>th</sup> Ave. N.E. The entire area with the notable exception of the Burke Gilman Trail is auto oriented with parking lots covering most of the space between buildings. Across 25<sup>th</sup> Ave. NE, land uses remain mixed with University of Washington student housing and commercial uses represented by a Silver Cloud Inn, a Jiffy Lube and an Office Depot. University Village lies to the south and east of these buildings. With its large signs, extensive parking lots and auto service functions, the area projects the image of a suburban commercial strip. The recently constructed student housing proves the exception as the complex, built close to the right-of-way, attains a vertical massing unlike the surrounding buildings.



The city zoning designation for the area immediately surrounding the site is C1 40. This includes Blakeley Manor facing N.E. Blakeley St. Zoned Neighborhood Commercial Two (NC2 40), the condominium building directly to the west has a 40' height limit. Farther to the south, the zone designation changes to Lowrise Four (L4). To the north across N.E. Blakeley St. zoning classifications are Lowrise Three (L3) and NC2 30. On the east side of 25<sup>th</sup> Ave. N.E. Commercial One with 40 and 60 foot height limits comprises the Silver Cloud Inn and the University Village shopping center

respectively. University of Washington housing lies within a Major Institutional Overlay (MIO 50/ C1 40) with a fifty foot height limit.

The commercial and multi-family strip along 25<sup>th</sup> Ave. N.E. sits at the foot of a slope that ascends from NE Blakeley Street and Ravenna Avenue NE to the west. From certain vantage points on the site, Lake Washington and Mt. Rainier are visible.

### Proposal Description

The applicant proposes to build a three-story structure with three floors of office use and a share of the first and second floors devoted to approximately 9,000 square feet of restaurant and retail uses. A two level, below-grade garage will contain 88 parking spaces and a surface lot will have eight spaces.

The office building represents the second phase of a two building complex. The first phase, containing only office uses, will occupy the site directly west of the subject site. Once phase two is completed the complex will have a single vehicular entrance and share a below-grade garage beneath both buildings. Planning for the second phase began after the commencement of the early design guidance and MUP process for the first phase.

The applicant intends to create a complex that visually relate with similar massing, roof forms, windows, materials, colors and landscaping. A hardscape plaza will visually conjoin the two sites. The site inclines from north to south a total of four feet over a distance of approximately 190 linear feet.

### Public Comments

Approximately 23 people attended a SEPA comment meeting on June 23, 2004. Questions, concerns and comments raised by the public at the meeting are outlined below.

#### **Noise;**

- Noise generated by vehicles, trucks, HVAC, garbage collection.
- Relationship of buildings enhances or magnifies noise behind Blakeley Manor. Noise disturbs the residents.

#### **Flooding;**

- Blakeley Manor floods after hard rains. Flood gates have been installed. New buildings could create worse problems.
- Storm sewer is not large enough.

#### **Water Quality and Water Table;**

- Groundwater may be contaminated from former service station on 25<sup>th</sup> Ave. NE.
- Settlement cracks are found in floors of Blakeley Manor and on sidewalks.

#### **Height, Bulk and Scale;**

- Phase I and II buildings will block sunlight and moonlight.

#### **Soils;**

- Oil from the service station on the adjacent site may have contaminated the soils.

#### **Construction;**

- Blakeley Manor shook when the adjacent office building was demolished. This disturbed residents.
- How long will construction be?

#### **Parking;**

- Don't charge parking fees for the garage. Not enough parking is available in the area.
- Request for mitigation of parking problems.

***Traffic;***

- Traffic study does not address growth at University Village and impact on neighborhood.
- Request for a no right turn on red sign to prevent turns on to 25<sup>th</sup> Avenue NE from NE Blakeley St. Residents and other elderly are endangered by turning vehicles.
- Accident rate is increasing.
- Traffic study ignores Saturday football traffic bottlenecks and closure of streets.
- Traffic study outdated.
- Traffic study did not take into account new U.W. student housing across NE 25<sup>th</sup> St. and new construction at U.W.
- Buses don't go downtown.
- Construction trucks will create traffic problems.

**ANALYSIS-DESIGN REVIEW**

***Design Guidelines Priorities***

**Public Comments**

Eleven members of the community attended the Early Design Guidance meeting. Questions focused on setbacks, heights, colors, and construction timing. Other comments supported the idea of a pedestrian friendly street front with retail on 25<sup>th</sup> Ave. NE.

The City received approximately 28 letters addressing Phases One and Two. The following outlines the major concerns specifically related to Phase Two:

- Don't burden the project with delays and demands that raise the cost of office space in the area.
- Project is a very reasonable, attractive and the "highest and best" use of the land.
- Both proposals will exacerbate parking and traffic problems.
- Provide plazas, courtyards and gardens to reduce visual impact on neighboring properties.
- Screen lighting impacts on neighbors.
- Screen dumpsters, utilities and other service areas.
- Do not link the site to the Burke-Gilman Trail.
- Provide a gate through the SHA parking lot to provide access to the Burke-Gilman Trail.
- Use reflective exterior building materials to brighten up adjacent structures.

**ANALYSIS-DESIGN REVIEW**

***Design Guidelines Priorities***

The project proponents presented their initial ideas at an Early Design Guidance meeting on February 23, 2004. After visiting the site, considering the analysis of the site and context provided by the proponents, and hearing public comment, the Design Review Board members identified the following Citywide Design Guidelines as high priorities to be considered in the final proposed design.

**A-1 Responding to Site Characteristics.** The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The Board welcomed the idea of a strong street edge along 25<sup>th</sup> Ave. NE. The design of the commercial space along the avenue should have the potential to accommodate retail use and engage the pedestrian as well. The Board also liked the concept of a south facing pavilion and would like to see a well designed elevation at the plaza level.

**A-2 Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

See A-1, 3.

**A-3 Entrances Visible from the Street.** Entries should be clearly identifiable and visible from the street.

An entrance (s) into the building should be visible from the street. The entrance potentially could be located off the easement if it remains visible. Another entrance should be on the plaza to reinforce the proposed entry plaza between the two buildings.

**A-4 Human Activity.** New development should be sited and designed to encourage human activity on the street.

The design of the building should accommodate retail use or some kind of pedestrian friendly commercial activity on 25<sup>th</sup> Ave. NE. In addition, the plaza and the elevations defining the plaza are an important design consideration. The plaza should be conducive to employees' use during breaks and lunch.

**A-5 Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

**A-8 Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board urges the applicant to use the existing curb cut at the easement for the only vehicular access.

**B-1 Height, Bulk and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The relationship of the two masses works well. The smaller mass should be lower than the study model suggests and should contrast with the larger volume in order to provide a better sense of scale. The separate elements or volumes should be articulated yet remain within the same ensemble of buildings.

**C-1 Architectural Context. New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.**

The Board encouraged extensive use of glazing at the street level and at the plaza. The designers should recognize the north elevation's high visibility and ensure that it along with the project to the west) provides interest.

**C-2 Architectural Concept and Consistency. Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.**

**Buildings should exhibit form and features identifying the functions within the building.**

**In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

The Board members warned that the project risked utilizing too many elements without a strong sense of hierarchy. In addition, the Board asked that the architect study the relationship between the two butterfly roofs of the adjacent buildings. The proximity of the roof of the west wing of the east building and the roof of the east wing of the west building is problematic. One suggestion was to flatten or reduce the incline on the west roof of the Phase II project.

**C-3 Human Scale. The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.**

The lower mass should resemble a pavilion. Reducing the height and size of the mass will improve the relationship of the two volumes and mediate between the larger masses of the two projects.

**C-4 Exterior Finish Materials. Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.**

The materials used for phase two should be compatible with the proposed structure behind it. Board members strongly encouraged use of the same design vocabulary.

**C-5 Structured Parking Entrances. The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.**

The Board applauded the one garage entrance for both projects.

**D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

The plaza between the proposed buildings should be treated as one design entity. Similar landscaping materials should be used.

**D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

The Board urged careful design consideration of the north elevation. This has high visibility from 25<sup>th</sup> Ave. NE.

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

Proposed paving and the tree planting along the easement will be carefully considered. Consider planting columnar trees on the north elevation.

### **MASTER USE PERMIT APPLICATION**

The applicant revised the design and applied for a Master Use Permit with a design review component on March 25, 2004.

### **DESIGN REVIEW BOARD RECOMMENDATION**

The Design Review Board conducted a Final Recommendation Meeting on June 7th, 2004 to review the applicant's formal project proposal developed in response to the previously identified priorities. At the public meeting, site plans, elevations, floor plans, landscaping plans and computer renderings of the proposed exterior materials were presented for the Board members' consideration.

### **Public Comments**

Four community members attended the Final Recommendation meeting. The majority of comments and questions focused on environmental concerns. Design comments, however, reflected the neighbors' dismay over height, bulk and scale issues. A resident of Blakeley Manor stated that views and sunlight would be blocked with the construction of both phases of the proposed commercial development. Another individual expressed displeasure with the way the new student housing across 25<sup>th</sup> Ave. NE. meets the street.

Development Standard Departures

The applicant did not request departures from the Land Use Code.



## Recommendations

**A-1 Responding to Site Characteristics.** The siting of buildings should respond to specific site conditions and opportunities such as non-rectangular lots, location on prominent intersections, unusual topography, significant vegetation and views or other natural features.

The Board members appreciated how the splayed facades of the two buildings form an outdoor court. This angular shift and its capture of southern light will animate the plaza. The Board also agreed with the revisions to the roof line.

The two building masses define the street edge along 25<sup>th</sup> Ave. NE and create an engaging pavilion for a restaurant on the south side.

**A-2 Streetscape Compatibility.** The siting of buildings should acknowledge and reinforce the existing desirable spatial characteristics of the right-of-way.

See A-1

**A-3 Entrances Visible from the Street.** Entries should be clearly identifiable and visible from the street.

The current proposal needs more elements or cues to lead the pedestrian from the front of the building or the surface parking lot to the entry court between the two buildings. The Board recommended use of canopies and landscaping techniques to encourage this movement. Some type of gesture at the street (e.g. gateway, sculpture) would also help to strengthen the connection between the street and the entrances to the offices on the court.

**A-4 Human Activity.** New development should be sited and designed to encourage human activity on the street.

The Board had no further comments about the street level uses and design for 25<sup>th</sup> Ave. NE. It appears that the proposed design can well accommodate retail uses.

**A-5 Respect for Adjacent Sites.** Buildings should respect adjacent properties by being located on their sites to minimize disruption of the privacy and outdoor activities of residents in adjacent buildings.

The Board made no further comments related to this issue.

**A-8 Parking and Vehicle Access.** Siting should minimize the impact of automobile parking and driveways on the pedestrian environment, adjacent properties and pedestrian safety.

The Board did not comment on the proposed second curb cut for service vehicles.

**B-1 Height, Bulk and Scale Compatibility.** Projects should be compatible with the scale of development anticipated by the applicable Land Use Policies for the surrounding area and should be sited and designed to provide a sensitive transition to near-by, less-intensive zones. Projects on zone edges should be developed in a manner that creates a step in perceived height, bulk and scale between the anticipated development potential of the adjacent zones.

The relationship of the two masses works well. The revised proposal reduced the smaller mass into a pavilion like structure. The major building masses are articulated separately yet remain complementary to the ensemble of the building complex.

**C-1 Architectural Context.** New buildings proposed for existing neighborhoods with a well-defined and desirable character should be compatible with or complement the architectural character and siting pattern of neighboring buildings.

The project's design recognizes the visibility of the north elevation from 25<sup>th</sup> Ave. NE. The Board recommended that glazing on the lower level of the north elevation extend to and include the second bay of windows.

**C-2 Architectural Concept and Consistency.** Building design elements, details and massing should create a well-proportioned and unified building form and exhibit an overall architectural concept.

**Buildings should exhibit form and features identifying the functions within the building.**

**In general, the roofline or top of the structure should be clearly distinguished from its façade walls.**

The Board expressed its satisfaction with the revised treatment of the roofs. The arrangement of the two major masses complements the elemental characteristics of the Phase I design.

**C-3 Human Scale.** The design of new buildings should incorporate architectural features, elements and details to achieve a good human scale.

The applicant responded to earlier Board comments by lowering the height of the pavilion or smaller mass and utilizing a large amount of glazing and a deck to increase the amount of transparency. The Board recommended refinement to the proportions of the upper east façade by emphasizing the tripartite division on the lower level at the upper two levels. The Board members suggested using the material of the metal frame as a separation behind the fins. This change will encourage the eye to follow the columns at street level upward.

**C-4 Exterior Finish Materials.** Building exteriors should be constructed of durable and maintainable materials that are attractive even when viewed up close. Materials that have texture, pattern, or lend themselves to a high quality of detailing are encouraged.

The applicant provided a material samples board. The materials selected are similar to those used for Phase I.

**C-5 Structured Parking Entrances.** The presence and appearance of garage entrances should be minimized so that they do not dominate the street frontage of a building.

The Board did not add to its earlier comments.

**D-1 Pedestrian Open Spaces and Entrances.** Convenient and attractive access to the building's entry should be provided. To ensure comfort and security, paths and entry areas should be sufficiently lighted and entry areas should be protected from the weather.

Facing walls of Phases I and II splay out from one another to create a wedge shaped plaza between the two structures. The plaza, widest at the south end, captures the greatest amount of sunlight. Eight trees located in containers populate the plaza. Phase II has two entries for the offices fronting the plaza. The Board recommended an improved landscaped sequence from the street, sidewalk, and exterior surface parking lot to emphasize the path to the plaza and its entrances. Landscape elements may include canopies, gateway, changes in paving, etc. See A-3 and E-2.

The Board recommended that an approved landscape plan must have seating and other outdoor amenities for the plaza.

**D-2 Blank Walls.** Buildings should avoid large blank walls facing the street, especially near sidewalks. Where blank walls are unavoidable, they should receive design treatment to increase pedestrian comfort and interest.

No comments were added to the record.

**D-6 Screening of Dumpsters, Utilities and Service Areas.** Building sites should locate service elements like trash dumpsters, loading docks and mechanical equipment away from the street front where possible. When elements such as dumpsters, utility meters, mechanical units and service areas cannot be located away from the street front, they should be situated and screened from view and should not be located in the pedestrian right-of-way.

The Board recommended that the trash and recycling area be better contained than the current proposal. This service area's location may emit unwanted smells and sounds disturbing to the residents of Blakeley Manor and the tenants of the commercial building to the north. The Board suggested containing the service functions within the building or ameliorating the unsightly presence by a better design.

**E-1 Landscaping to Reinforce Design Continuity with Adjacent Sites.** Where possible, and where there is not another overriding concern, landscaping should reinforce the character of neighboring properties and abutting streetscape.

The Board did not add comments to its earlier guidance.

**E-2 Landscaping to Enhance the Building and/or Site. Landscaping including living plant material, special pavements, trellises, screen walls, planters, site furniture and similar features should be appropriately incorporated into the design to enhance the project.**

The Board requested a more detailed and comprehensive landscape plan for the project. This includes providing sample materials of the paving and other surfaces.

**Board Recommendations:** The recommendations summarized below were based on the plans submitted at the June 7, 2004 meeting. Design, siting or architectural details not specifically identified or altered in these recommendations are expected to remain as presented in the plans and other drawings available at the June 7th public meeting. After considering the site and context, hearing public comment, reconsidering the previously identified design priorities, and reviewing the plans and renderings, the three Design Review Board members present recommended approval of the subject design.

The Board recommended the following **CONDITIONS** for the project. (Authority referenced in the letter and number in parenthesis):

1. Enhance the pedestrian approach from the right-of-way and the surface parking lot to the plaza between the two buildings with landscape elements and canopies along the pathway. Add a gesture at the street (e.g. entry gate or sculpture) to introduce the passage. (A-3, D-1)
2. Extend the transparent glazing to include the second bay at the first level of the north façade. (C-1)
3. Enhance the vertical elements above the columns on the east façade to emphasize three bays in order to reduce the proportions of the two upper floors. (C-3)
4. Add landscape amenities such as seating and quality materials to the plaza between the two buildings. Provide a detailed landscape plan and a materials board for review and approval by the planner. (D-1, E-2))
5. Contain the trash and recycling area within the structure or provide a better means of visually screening these service functions. (D-6)

**DIRECTOR'S ANALYSIS - DESIGN REVIEW**

The Director finds no conflicts with SEPA requirements or state or federal laws, and has reviewed the City-wide Design Guidelines and finds that the Board neither exceeded its authority nor applied the guidelines inconsistently in the approval of this design.

**DECISION - DESIGN REVIEW**

The proposed design is **CONDITIONALLY GRANTED**.

**ANALYSIS-SEPA**

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant's agent (dated March 25, 2004) and annotated by the Land Use Planner. The information in the checklist, the supplemental information submitted by the applicant, and the experience of the lead agency with review of similar projects, form the basis for this analysis and decision.

The SEPA Overview Policy (SMC 25.05.665D) clarifies the relationship between codes, policies and environmental review. Specific policies for each element of the environment, certain neighborhood plans, and other policies explicitly referenced may serve as the basis for exercising substantive SEPA authority.

The Overview Policy states, in part, "Where City regulations have been adopted to address an environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation" subject to some limitations. Under such limitations/circumstances (SMC 25.05.665D1-7) mitigation can be considered.

### Short-term Impacts

Construction activities could result in the following adverse impacts: construction dust and storm water runoff, erosion, emissions from construction machinery and vehicles, increased particulate levels, increased noise levels, occasional disruption of adjacent vehicular and pedestrian traffic, and a small increase in traffic and parking impacts due to construction related vehicles. Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Noise Ordinance, the Stormwater Grading and Drainage Control Code, the Street Use Ordinance, and the Building Code. The following is an analysis of construction-related noise, air quality, earth, grading, traffic and parking impacts as well as mitigation.

### Noise

Noise associated with construction of the building could adversely affect surrounding uses in the area, which include residential and commercial uses. Surrounding uses are likely to be adversely impacted by noise throughout the duration of construction activities. Due to the proximity of the project site to these residential uses, the limitations of the Noise Ordinance are found to be inadequate to mitigate the potential noise impacts. Pursuant to the SEPA Overview Policy (SMC.25.05.665) and the SEPA Construction Impacts Policy (SMC 25.05.675 B), mitigation is warranted.

Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protection, water dams and heating equipment.

In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

After each floor of the building is enclosed with exterior walls and windows, interior construction on the individual enclosed floors can be done at other times in accordance with the Noise Ordinance. Such construction activities will have a minimal impact on adjacent uses. Restricting the ability to conduct these tasks would extend the construction schedule; thus the duration of associated noise impacts. DPD recognizes that there may be occasions when critical construction activities could be performed in the evenings and on weekends, which are of an emergency nature or related to issues of safety, or which could substantially shorten the total construction timeframe if conducted during these hours. Therefore, the hours may be extended and/or specific types of construction activities may be permitted on a case by case basis by approval of the Land Use Planner prior to each occurrence.

As conditioned, noise impacts to nearby uses are considered adequately mitigated.

#### Air Quality

Construction is expected to temporarily add particulates to the air and will result in a slight increase in auto-generated air contaminants from construction activities, equipment and worker vehicles; however, this increase is not anticipated to be significant. Federal auto emission controls are the primary means of mitigating air quality impacts from motor vehicles as stated in the Air Quality Policy (Section 25.05.675 SMC). To mitigate impacts of exhaust fumes on the directly adjacent residential uses, trucks hauling materials to and from the project site will not be allowed to queue on streets under windows of the adjacent residential building.

Should asbestos be identified on the site, it must be removed in accordance with the Puget Sound Clean Air Agency (PSCAA) and City requirements. PSCAA regulations require control of fugitive dust to protect air quality and require permits for removal of asbestos during demolition. In order to ensure that PSCAA will be notified of the proposed demolition, a condition will be included pursuant to SEPA authority under SMC 25.05.675A which requires that a copy of the PSCAA permit be attached to the demolition permit, prior to issuance. This will assure proper handling and disposal of asbestos.

#### Earth

The Stormwater, Grading and Drainage Control Code requires preparation of a soils report to evaluate the site conditions and provide recommendations for safe construction on sites where grading will involve cuts or fills of greater than three feet in height or grading greater than 100 cubic yards of material.

The soils report, construction plans, and shoring of excavations as needed, will be reviewed by the DPD Geo-technical Engineer and Building Plans Examiner who will require any additional soils-related information, recommendations, declarations, covenants and bonds as necessary to assure safe grading and excavation. This project constitutes a "large project" under the terms of the SGDCC (SMC

22.802.015 D). As such, there are many additional requirements for erosion control including a provision for implementation of best management practices and a requirement for incorporation of an engineered erosion control plan which will be reviewed jointly by the DPD building plans examiner and geo-technical engineer prior to issuance of the permit. The Stormwater, Grading and Drainage Control Code provides extensive conditioning authority and prescriptive construction methodology to assure safe construction techniques are used, therefore, no additional conditioning is warranted pursuant to SEPA policies.

### Grading

An excavation to construct the lower level of the structure areas will be necessary. The maximum depth of the excavation is approximately 20 feet and will consist of approximately 13,000 cubic yards of material. The soil removed will not be reused on the site and will need to be disposed off-site by trucks. City code (SMC 11.74) provides that material hauled in trucks not be spilled during transport. The City requires that a minimum of one foot of "freeboard" (area from level of material to the top of the truck container) be provided in loaded uncovered trucks which minimize the amount of spilled material and dust from the truck bed enroute to or from a site. No further conditioning of the grading/excavation element of the project is warranted pursuant to SEPA policies.

### Traffic and Parking

Construction of the project is proposed to last approximately 12 months. The soil removed for the garage structure will not be reused on the site and will need to be disposed off-site. Excavation and fill activity will require 1,300 round trips with 10-yard hauling trucks or 650 round trips with 20-yard hauling trucks. Existing City code (SMC 11.62) requires truck activities to use arterial streets to every extent possible. The proposal site is near several major arterials and traffic impacts resulting from the truck traffic associated with grading will be of short duration and mitigated by enforcement of SMC 11.62.

Truck access to and from the site shall be documented in a construction traffic management plan, to be submitted to DPD and SDOT prior to the beginning of construction. This plan also shall indicate how pedestrian connections around the site will be maintained during the construction period, with particular consideration given to maintaining pedestrian access along 25th Ave. NE. Large (greater than two-axle) trucks will be prohibited from entering or exiting the site after 3:30 PM.

Parking utilization along streets in the vicinity is near capacity and the demand for parking by construction workers during construction could reduce the supply of parking in the vicinity. Due to the large scale of the project, this temporary demand on the on-street parking in the vicinity due to construction workers' vehicles may be adverse. In order to minimize adverse impacts, construction workers will be required to park in the garage as soon as it is constructed for the duration of construction. The authority to impose this condition is found in Section 25.05.675B2g of the Seattle SEPA Ordinance.

### Long-term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including: increased surface water runoff due to greater site coverage by impervious surfaces; increased bulk and scale on the site; increased traffic in the area and increased demand for parking; increased demand for public services and utilities; potential loss of plant and animal habitat; and increased light and glare.

Several adopted City codes and/or ordinances provide mitigation for some of the identified impacts. Specifically these are: The Stormwater, Grading and Drainage Control Code which requires on site collection of stormwater with provisions for controlled tightline release to an approved outlet and may require additional design elements to prevent isolated flooding; the City Energy Code which will require insulation for outside walls and energy efficient windows; and the Land Use Code which controls site coverage, setbacks, building height and use and contains other development and use regulations to assure compatible development. Compliance with these applicable codes and ordinances is adequate to achieve sufficient mitigation of most long-term impacts and no further conditioning is warranted by SEPA policies. However, due to the size, use, and location of this proposal, environmental health and traffic and parking impacts warrant further analysis.

#### Traffic and Transportation

The traffic consultant reviewed both phases of the two building complex in a single document. Because of the timing, Phase One is a separate MUP application. Phase Two is expected to generate 6 new PM peak hour trips after the removal of the existing gas station and its associated traffic. No noticeable impacts from the proposed project were identified at any of the study intersections in the analysis and all intersections would operate at LOS D or better with the full build out of both phases. The project was also found to pass concurrency based on the methodology identified in the City of Seattle Director's Rule 4-99. No off-site mitigation is recommended at any of the study area intersections.

#### Parking

A parking demand analysis for the project was conducted by the Transpo Group. If built, Phase two would add 96 parking spaces to a demand of 53 spaces providing an ample parking supply. Phase two of the project would include an attached parking garage to Phase one creating a total of 199 total parking spaces. With full buildout, there would be a surplus of approximately 38 parking spaces.

#### Environmental Health

The former service station presents potential impacts due to the presence of five underground storage tanks on site and the potential for lead-based paints and asbestos containing materials. The consultant, Landau Associates performed a focused two phase Environmental Site Assessment in conformance with the scope and limitation of the American Society for Testing and Materials (ASTM). The assessment revealed no evidence of significant adverse environmental conditions in connection with the subject property. The consultant made the following recommendations:

- The decommissioning/removal of the USTs, pump islands, hydraulic lifts and other operational equipment including the floor drain in the restroom should be conducted by the owner of the subject property per Ecology regulations to achieve a No Further Action determination for the property. Documentation of the activities, including the results of soil and groundwater sampling



analysis associated with closure or post-closure activities, should be provided for review by PBO Properties as part of their pre-purchase due diligence.

- Based on their age and the lack of documentation of a previous survey, the site structures including the building and canopy should be inspected and sampled for the potential presence of asbestos containing materials (ACM) and lead-based paint (LBP) prior to any demolition activities at the subject property. The results of the inspection and sampling should be used to assess appropriate handling and disposal procedures for these materials and to identify appropriate worker protection considerations.

### Summary

In conclusion, several adverse effects on the environment are anticipated resulting from the proposal, which are non-significant. The conditions imposed below are intended to mitigate specific impacts identified in the foregoing analysis, or to control impacts not regulated by codes or ordinances, per adopted City policies.

### **DECISION - SEPA**

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- [X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21C.030(2)(C).
- [ ] Determination of Significance. This proposal has or may have a significant adverse impact upon the environment. An EIS is required under RCW 43.21C.030(2)(C).

### **CONDITIONS-DESIGN REVIEW**

#### Prior to Issuance of a Master Use Permit

Update plans according to the following conditions:

1. Enhance the pedestrian approach from the right-of-way and the surface parking lot to the plaza between the two buildings with landscape elements and canopies along the pathway. Add a gesture at the street (e.g. entry gate or sculpture) to introduce the passage.
2. Extend the transparent glazing to include the second bay at the first level of the north façade.
3. Enhance the vertical elements above the columns on the east façade to emphasize three bays in order to reduce the proportions of the two upper floors.

4. Add landscape amenities such as seating and quality materials to the plaza between the two buildings. Provide a detailed landscape plan and a materials board for review and approval by the planner.
5. Contain the trash and recycling area within the structure or provide a better means of visually screening these service functions.

Non-Appealable Conditions

6. Any proposed changes to the exterior of the building or the site must be submitted to DPD for review and approval by the Land Use Planner (Bruce P. Rips, 615-1392). Any proposed changes to the improvements in the public right-of-way must be submitted to DPD and SDOT for review and for final approval by SDOT.
7. Compliance with all images and text on the MUP drawings, design review meeting guidelines and approved design features and elements (including exterior materials, landscaping and ROW improvements) shall be verified by the DPD planner assigned to this project (Bruce P. Rips, 615-1392), or by the Design Review Manager. An appointment with the assigned Land Use Planner must be made at least (3) working days in advance of field inspection. The Land Use Planner will determine whether submission of revised plans is required to ensure that compliance has been achieved.
8. Embed the MUP conditions in the cover sheet for the MUP permit and for all subsequent permits including updated MUP plans, and all building permit drawings.

**CONDITIONS-SEPA**

Prior to Issuance of a Demolition, Grading, or Building Permit

9. Submit a Construction Traffic Management Plan to be reviewed and approved by SDOT and DPD. The plan shall, at a minimum, identify truck access to and from the site, pedestrian accommodations, sidewalk closures. Large trucks (greater than two-axle) shall be prohibited from entering or exiting the site after 3:30 p.m.
10. The decommissioning/removal of the USTs, pump islands, hydraulic lifts and other operational equipment including the floor drain in the restroom should be conducted by the owner of the subject property per Ecology regulations to achieve a No Further Action determination for the property. Documentation of the activities, including the results of soil and groundwater sampling analysis associated with closure of post-closure activities, should be provided for review by PBO Properties as part of their pre-purchase due diligence.
11. Based on their age and the lack of documentation of a previous survey, the site structures including the building and canopy should be inspected and sampled for the potential presence of asbestos containing materials (ACM) and lead-based paint (LBP) prior to any demolition activities at the subject property. The results of the inspection and sampling should be used to assess appropriate

handling and disposal procedures for these materials and to identify appropriate worker protection considerations. Attach a copy of the PSCAA demolition permit to the building permit set of plans.

During Construction

The following condition(s) to be enforced during construction shall be posted at the site in a location on the property line that is visible and accessible to the public and to construction personnel from the street right-of-way. The conditions will be affixed to placards prepared by DPD. The placards will be issued along with the building permit set of plans. The placards shall be laminated with clear plastic or other weatherproofing material and shall remain in place for the duration of construction.

12. Grading, delivery and pouring of concrete and similar noisy activities will be prohibited on Saturdays and Sundays. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby residences, only the low noise impact work such as that listed below, will be permitted on Saturdays from 9:00 A.M. to 5:00 P.M.:

- A. Surveying and layout.
- B. Testing and tensioning P. T. (post tensioned) cables, requiring only hydraulic equipment (no cable cutting allowed).
- C. Other ancillary tasks to construction activities will include site security, surveillance, monitoring, and maintenance of weather protecting, water dams and heating equipment.

13. In addition to the Noise Ordinance requirements, to reduce the noise impact of construction on nearby properties, all other construction activities shall be limited to non-holiday weekdays between 7:30 A.M and 6:00 P.M.

Hours on weekdays may be extended from 6:00 P.M. to 8:00 P.M. on a case by case basis. All evening work must be approved by DPD prior to each occurrence.

Once the foundation work is completed and the structure is enclosed, interior construction may be done in compliance with the Noise Ordinance and is not subject to the additional noise mitigating conditions.

14. Construction workers shall park in the on-site garage as soon as it is constructed, following approval from the DPD Building Inspector.
15. Implement the elements of the approved Construction Traffic Management Plan.

Signature: (signature on file) Date: August 16, 2004

Bruce P. Rips, AICP, Project Planner  
Department of Planning and Development  
Land Use Services

BPR:bg

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